SBCivil Writ Petition No.1334/1996

Shrinath Lohiya
v.
State of Rajasthan & Ors.

Date of Order :: 3rd May, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Mahesh Bora, for the petitioner alongwith petitioner Shri Shrinath Lohiya.
Mr. B.L.Tiwari, Dy.Govt.Advocate.
Mr. M.R.Singhvi]
Mr. Ravi Bhansali], for the respondents.

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By the instant petition for writ the following reliefs are claimed by the petitioner:-

(i)the judgments passed by the Secretary, Krishi Upaj Mandi Samiti dated 6.10.1995 (Anx.5) and by the Assistant Director dated 11.3.1996 (Anx.9) may please be quashed and set aside;

(ii)it may be declared that Shri Shrinath Lohiya petitioner is a partner in the firm M/s Jamnadas Gangadas & Co. & Jamnadas Gangadas and rights to do all work and business in the partnership firms and entitled to use godown E2-14 and Shop B-5 also to use for business the said Godown & Shop;

(iii)it may please be ordered to the Secretary, Krishi Upaj Mandi Samiti to issue permanent licence of firms Jamnadas Gangadas & Co. of E2-14 in the name of Smt. Madhu Lohiya and the petitioner Shrinath Lohiya as

a partner and to M/s Jamnadas Gangadas B-5 in the name of Shri Pukhraj Lohiya & the petitioner Shrinath Lohiya as a partner;

(iv)and in the alternative it is prayed that the matter may please be remanded back to the Regional Assistant Director, Agriculture Marketing Department, Jodhpur for fresh disposal after calling from the record since 1975 of both the firms from the Secretary, Krishi Upaj Mandi Samiti and to consider the documents of the petitioner after giving opportunity to the petitioner afresh."

The contention of the petitioner is that a licence was granted by Krishi Upaj Mandi Samiti to M/s Jamnadas Gangadas & Co. to undertake business in the mandi area at Krishi Upaj Mandi, Mandore, Jodhpur. The Krishi Upaj Mandi Samiti also allotted a godown to the partnership firm referred above on 29.11.1979. An another shop bearing No.B-5 was also allotted to Jamnadas Gangadas & Co. on 17.7.1975. According to the petitioner the respondents No.5 and 6 alongwith him were the partners in the partnership firm but they illegally got the licence to use the godown allotted to the firm in their names by getting the petitioner deleted as partner.

The counsel for the petitioner at the time of hearing confined his arguments with regard to prayer No.(iii) only. According to counsel for the petitioner the Secretary, Krishi Upaj Mandi Samiti erred while

renewing licence in favour of the firm Jamnadas Gangadas & Co. for godown No.E-2-14 and B-5 by showing respondents No.5 and 6 respectively as proprietor of the firm.

A reply to the writ petition has been filed on behalf of the respondents stating therein that renewal was made as a consequence of family settlement and also on basis of a request made by the partners of the partnership firm by various communications. Counsel for respondent Krishi Upaj Mandi Samiti at the time of hearing placed on record photocopies of certain letters perusal of which clearly show that the petitioner himself agreed for making renewal of the aforesaid godowns in question in the name of firm Jamnadas Gangadas & Co. by showing the respondents No.5 and 6 as their proprietor.

In view of it, I do not find any merit in the writ petition. The same, therefore, is dismissed with no order to costs.

(GOVIND MATHUR),J.

kkm/ps.